



Serial No.: 10/709,363

Confirmation No.: 3362

Applicant: Giovanni Gaviani et al.

Atty. Ref.: 12693.0028.00US00

REMARKS:

Claims 5-7 have been canceled. Claims 1-4 have been amended to conform these claims to U.S. practice. Originally, these claims were proper under Italian law; therefore, these amendments solely conforming these claims to U.S. practice is not a narrowing amendment. Claim 1 has been amended to incorporate certain limitations from claims 5, 6 and 7. Applicants submit that these claims are patentable over the art of record.

35 U.S.C. § 102:

Presently pending claims 1, 2 and 4 have been rejected under 35 U.S.C. § 102 as allegedly being anticipated by U.S. Patent No. 5,367,665 (Koch *et al.*). Applicants respectfully traverse the rejection.

The passages cited by the Examiner from Koch *et al.*, Fig. 1 and col. 2, line 58 through col. 3, line 43) disclose a multi-processor system 10 in a motor vehicle comprising two conventional processors 12 and 14, each of which executes basic functions for controlling the powertrain. Koch *et al.* does not disclose exclusively dedicating a main processor to executing basic functions for controlling the powertrain or to exclusively dedicate an auxiliary processor to executing ancillary control functions, instead Koch *et al.* discloses using a two processor control system, working alongside each other, for example:

In normal operation, the two processors control the power of the engine via the actuators 42 to 44 in dependence upon the driver request detected via the measuring devices 34 to 36 and in dependence upon other operating variables of the engine and/or of the motor vehicle. This control of the engine controls the motor vehicle in the sense of an adaptation of the power to the driver's request while considering the additional operating variables of the motor vehicle.

See, column 4, lines 30-38 (emphasis added).

Further, Koch *et al.* does not disclose that the auxiliary processor can execute inter-processor interrupt operations in order to wait for the main processor to complete a particular computing algorithm or that the main processor does not execute inter-processor interrupt operations in order to wait for the auxiliary processor to complete a particular computing algorithm. Both of these limitations were originally in Applicants' claims 5 and 6 and the rejection recited by the Examiner only referred to the original rejection of claim 1. Applicants



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respectfully point out that the passage cited by the Examiner for purposes of claim 1 does not disclose these limitations or even suggest these limitations.

In view of the above, Applicants request the reconsideration and withdrawal of the rejection of claims 1, 2 and 4 under 35 U.S.C. § 102 and ask that the Examiner indicate the allowance of these claims in the next paper from the Office.

REJECTION UNDER 35 U.S.C. § 103:

Pending claim 3 has been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Koch *et al.* in view of U.S. Patent No. 5,454,095 (Kraemer *et al.*). As noted above, Koch *et al.* does not disclose or suggest, among other things, exclusively dedicating a main processor to executing basic functions for controlling the powertrain or to exclusively dedicate an auxiliary processor to executing ancillary control functions. In order to reach Applicants' claimed invention, one would have to completely disregard the teachings given by Koch *et al.* in which *both* processors execute basic functions for controlling the powertrain. Koch *et al.* contains no suggestion to discard these teachings without using Applicants' own disclosure as a template.

Furthermore, Kraemer *et al.* adds nothing in this regard. Therefore, even in combination, these references do not disclose, nor suggest, Applicants' claimed invention and therefore cannot form a proper obviousness rejection. Applicants respectfully request that the obviousness rejection be withdrawn and the claims allowed in the next paper from the Office.

The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 01-2508, referencing Order No. 12693.0028.00US00.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner should directly contact the undersigned by phone to further the discussion.



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Respectfully submitted,


Michelle C. Replegle

Patent Attorney

Reg. No. 54,394

Tel. 713.787.1535

Date:

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